



Issuance Date: June 30, 2005  
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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT NO. WA0023639**

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

**Clark County Department of Public Works  
P.O. Box 9810  
Vancouver, WA 98666-9810  
For**

**Salmon Creek Wastewater Treatment Plant,  
Hazel Dell Sewer District, and  
City of Battle Ground**

**For Their Respective Sewage Collection Systems**

<u>Plant Location:</u> Salmon Creek WWTP: 15100 NW McCann Road Vancouver, WA 98685	<u>Receiving Water:</u> Columbia River between River mile 95 and 96
<u>Water Body I.D. No.:</u> Old ID No. WA-CR-1010 New ID No. 1220169456238	<u>Discharge Location:</u> Latitude: 45° 43' 58" N Longitude: 122° 45' 23" W
<u>Plant Type:</u> Municipal secondary, activated sludge with UV disinfection	

is authorized to discharge in accordance with the special and general conditions that follow.

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Southwest Regional Manager  
Water Quality Program  
Washington State Department of Ecology

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## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

### Submittals for Salmon Creek Wastewater Treatment Plant

Permit Section	Submittal	Frequency	First Submittal Date
S2.B	Pretreatment Quarterly Monitoring Report	Quarterly	November 15, 2005 (see S2.B for details)
S2.B	Pretreatment Annual Monitoring Report	Annually	February 15, 2006 (See S2.B for details)
S2.B	Sludge production Report (See table & footnote 5)	Annually	February 15, 2006
S2.B	Biosolids Monitoring Report (See table & footnote 5)	Annually	February 15, 2006
S3.	Discharge Monitoring Report	Monthly	August 15, 2005
S3.E	Noncompliance Notification	As necessary	
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	
S4.F.	Waste load Assessment	Annually	February 15, 2006
S5.B.	Operations and Maintenance Manual Update	1/permit	6 months after receipt of Phase IV notice of completion of construction
S9.B.	Acute Toxicity Compliance Monitoring Reports	4/year	December 15, 2005 (Reports due in March, June, September, and December DMRs each year)
S9.C	Acute Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S9.C	Acute Toxicity TI/TRE Plan	As necessary	
S10.A	Chronic Toxicity Characterization Data	2/year	December 15, 2005, and June 15, 2006
S10.C	Chronic Toxicity Compliance Monitoring Reports	If required under S10.A & B. then sample 2/year and submit on dates at the right.	October 15, 2006, and April 15, 2007 <b>if required by a limit.</b>
S10.D	Chronic Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S10.D	Chronic Toxicity TI/TRE Plan	As necessary	

Permit Section	Submittal	Frequency	First Submittal Date
S10.E	Chronic Toxicity Effluent Characterization with Permit Renewal Application	1/permit cycle	Report Due June 15, 2009 (Prior to Submission of the Permit Renewal Application)
S12.	Outfall Evaluation	1/permit cycle	October 15, 2007
G1.	Notice of Change in Authorization	As necessary	
G4.	Reporting Planned Changes	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	July 15, 2009
G21	Reporting Anticipated Non-compliance	As necessary	
G22	Reporting Other Information	As necessary	

**Submittals for the Hazel Dell Sewer District**

Permit Section	Submittal	Frequency	First Submittal Date
S4.D.	Notification of New or Altered Sources	As necessary	
S4.E.	Infiltration and Inflow Evaluation	Annually	February 15, 2006
S5.B.	O&M Manual for Collection System	As necessary	
S6.F	Pretreatment Report (Option 2- With existing program)	Annually	February 15, 2006

**Submittals for the City of Battle Ground**

Permit Section	Submittal	Frequency	First Submittal Date
S2.C.	Letter of Completion of Construction of Lagoon Monitoring Wells	1/Permit	
S4.D.	Notification of New or Altered Sources	As necessary	
S4.E.	Infiltration and Inflow Evaluation	Annually	February 15, 2006
S5.B.	O&M Manual for Collection System	As necessary	
S6.D.	Industrial User Survey	1/permit cycle	February 15, 2006
S8.A	Engineering report for Equalization Lagoon	1/Permit	November 15, 2007
S8.B	Engineering Plans and Specs for Equalization Lagoon	1/Permit	May 15, 2008

Permit Section	Submittal	Frequency	First Submittal Date
S11.A	Scope of Work for Hydrogeologic Study of Equalization Lagoon	1/Permit	October 15, 2005
S11.B	Hydrogeologic Report on Equalization Lagoon	1/Permit	October 15, 2006
S11.C	Completion of Monitoring Wells Report and As-Built Drawings	1/Permit	October 15, 2007
S11.D	Report at Completion of Monitoring Wells and Construction Record Drawings	1/Permit	October 15, 2007

## SPECIAL CONDITIONS

The term “Permittee” applies to each of the entities named on the cover of this permit, with the following clarifications:

The Clark County Department of Public Works is the Permittee responsible for operation of the Salmon Creek Wastewater Treatment Plant. As such, this Permittee is responsible for operation, maintenance, monitoring, reporting and all other permit requirements related to the ultimate treatment and discharge of treated sewage from the Salmon Creek Wastewater Treatment Plant. This Permittee’s responsibilities also include any permit requirements related to conveyance systems or trunk lines under Clark County’s ownership.

The City of Battle Ground and the Hazel Dell Sewer Districts are the permittees responsible for operation of the sewage collection, conveyance and storage facilities within their jurisdictions or under their ownership. As such, these Permittees are responsible for all operation, maintenance, monitoring, reporting and compliance with all other permit requirements related to their respective sewage collection, conveyance and storage systems. Included among the applicable requirements for these permittees are the sections regarding implementation of the Inflow/Infiltration management and pretreatment programs within their jurisdictions. Where a permit condition related to the sewage collection, conveyance and storage systems applies to only one of these entities, it will be specified in the appropriate section.

Each of the Permittees shall be held independently responsible for compliance with the permit requirements applicable to their operations as discussed above.

### S1. DISCHARGE LIMITATIONS

#### A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

#### 1. Interim limitations for the Phase III construction level of Salmon Creek WWTP

Beginning on the effective date of this permit and lasting through the end of the calendar month that the “Declaration of Construction” is received by the Department of Ecology (Department) for Phase IV, the Permittee is authorized to discharge municipal wastewater at the permitted location subject to the following interim limitations:

	<b>EFFLUENT LIMITATIONS<sup>a</sup>: OUTFALL # 001</b>	
<b>Parameter</b>	<b>Average Monthly</b>	<b>Average Weekly</b>
Biochemical Oxygen Demand (5 day)	30 mg/L, 2,355 lbs/day, 85% removal of influent BOD	45 mg/L, 3,533 lbs/day
Total Suspended Solids	30 mg/L, 2,505 lbs/day, 85% removal of influent TSS	45 mg/L, 3,758 lbs/day

	EFFLUENT LIMITATIONS <sup>a</sup> : OUTFALL # 001	
Parameter	Average Monthly	Average Weekly
Fecal Coliform Bacteria	200 /100 ml	400 /100 ml
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Acute Whole Effluent Toxicity (WET) <sup>b</sup>	“No acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).”	
<sup>a</sup> The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
<sup>c</sup> Permittee should note that there also may be additional effluent limits in S9. Acute Toxicity and S10. Chronic Toxicity.		

2. **Final limitations** for the Phase IV construction level of Salmon Creek WWTP.

The final effluent limitations will begin once the Department receives a Declaration of Construction of water pollution control facilities (WAC 173-240-095) from the Permittee for Phase IV. Beginning on the first day of the calendar month following the Department’s receipt of this Notice and lasting until the expiration of this permit, the Permittee is authorized to discharge municipal wastewater at the permitted location subject to the following limitations:

	<b>EFFLUENT LIMITATIONS<sup>a</sup>: OUTFALL # 001</b>	
<b>Parameter</b>	<b>Average Monthly</b>	<b>Average Weekly</b>
Biochemical Oxygen Demand (5 day)	30 mg/L, 3,135 lbs/day 85% removal of influent BOD	45mg/L, 4,703 lbs/day
Total Suspended Solids	30 mg/L, 3,741 lbs/day 85% removal of influent TSS	45 mg/L, 5,612 lbs/day
Fecal Coliform Bacteria	200 /100 ml	400 /100 ml
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Acute Whole Effluent Toxicity (WET) <sup>c</sup>	“No acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).”	
<b>Parameter</b>	<b>Average Monthly</b>	<b>Maximum Daily<sup>b</sup></b>
Total Ammonia (as NH <sub>3</sub> -N)	18.7 mg/L	37.5 mg/L
<sup>a</sup> The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
<sup>b</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		

<sup>c</sup>Permittee should note that there also may be additional effluent limits in S9. Acute Toxicity and S10. Chronic Toxicity.

B. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

Chronic Mixing Zone—extends in a downstream direction for a distance of not more than 217 feet from the discharge ports and upstream for a distance of not more than 217 feet.

The Phase III chronic mixing zone ratio is 67:1

The Phase IV chronic mixing zone ratio is 65:1

Acute Mixing Zone—extends in a downstream direction for a distance of not more than 22 feet from the discharge ports and upstream for a distance of not more than 22 feet.

The Phase III acute mixing zone ratio is 19:1

The Phase IV acute mixing zone ratio is 18:1

**S2. MONITORING REQUIREMENTS**

A. Monitoring Schedule

The Permittee shall monitor in accordance with the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Influent	BOD <sub>5</sub>	mg/L lbs/day	Influent	5/week	24-hour composite <sup>c</sup>
Wastewater Influent	TSS	mg/L lbs/day	Influent	5/week	24-hour composite <sup>c</sup>
Wastewater Influent	Flow	MGD	Influent	Continuous <sup>a</sup>	Recording on-line
Wastewater Effluent	BOD <sub>5</sub>	mg/L	Final Effluent	5/week	24-hour composite <sup>c</sup>
		lbs/day	Final Effluent	5/week	24-hour composite <sup>c</sup>
		% removal	Final Effluent	5/week	Calculation
Wastewater Effluent	TSS	mg/L	Final Effluent	5/week	24-hour composite <sup>c</sup>
		lbs/day	Final Effluent	5/week	24-hour composite <sup>c</sup>

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
		% removal	Final Effluent	5/week	Calculation
Wastewater Effluent	pH	Standard Units	Final Effluent	Continuous <sup>a</sup>	measurement
Wastewater Effluent	Fecal Coliform	Org./100 ml	Final Effluent	Daily	Grab
Wastewater Effluent	Total Ammonia	mg/L	Final Effluent	3/week <sup>d</sup>	24-hour composite <sup>c</sup>
Wastewater Effluent	Temperature <sup>b</sup>	°C	Final Effluent	Continuous <sup>a</sup> (report daily maximums)	Recording On-line
Pretreatment	As specified in section below in S2.B.				
Acute Toxicity Testing	As specified in S9	Effluent			24-hour composite <sup>c</sup>
Chronic Toxicity Testing	As specified in S10	Effluent			24-hour composite <sup>c</sup>
<sup>a</sup> Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken three times per day when continuous monitoring is not possible.					
<sup>b</sup> For analog recorders, to determine the daily average, use the temperature on the hour from the chart for the 24-hour period and calculate the average of the values.					
<sup>c</sup> 24-hour composite means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.					
<sup>d</sup> "3/week" means three times during each calendar week and on a rotational basis throughout the days of the week, except weekends and holidays.					

#### B. Pretreatment Monitoring

The Permittee shall conduct monitoring at the frequency shown below with reports due 45 days after the end of each respective monitoring period. The Permittee shall submit the first quarterly monitoring report (for July – September 2005) by **November 15, 2005**, and the first report for pollutants monitored annually by **February 15, 2006** (for the year 2005).

Parameter	Units	Sampling Point	Sampling Frequency	Sample Type
Total Metals <sup>1</sup> (Sb, As, Be, Cd, Cr, Cu, Pb, Hg, Mo, Ni, Se, Ag,	mg/L	Influent, Effluent	Quarterly <sup>6,7</sup>	24-hour composite <sup>2</sup>

Parameter	Units	Sampling Point	Sampling Frequency	Sample Type
Tl, Zn)				
Total Metals <sup>1</sup> (Sb, As, Be, Cd, Cr, Cu, Pb, Hg, Mo, Ni, Se, Ag, Tl, Zn)	mg/Kg dry weight	Final Sludge	Quarterly <sup>6,7</sup>	Composite of four grab samples
Phenol, cyanide, oil & grease	mg/L	Influent, Effluent	Annually <sup>8</sup>	Grab
Phosphorus, sulfate, sulfide, chloride, fluoride, boron, nitrate, total inorganic nitrogen, acetone, styrene, iron, hardness, salinity, total dissolved solids	mg/L	Influent, effluent	Annually <sup>8</sup>	Grab
The 111 Pollutants listed in Table II of appendix D of 40 CFR part 122 (volatiles, acid compounds, base/neutrals, & pesticides) <sup>3</sup>	mg/L	Influent, effluent	Annually <sup>8</sup>	Grab for volatiles, 24-hr composite for all else.
Pollutants listed in Table II, III, and IV of appendix D of 40 CFR part 122 and isomers of Poly Brominated Diphenyl Ether <sup>4</sup>	mg/Kg of dry weight	Final Sludge	Annually <sup>8</sup>	Composite of four grab samples
Biosolids production data <sup>5</sup>	Dry tons per year, gallons, percent moisture	Final sludge	Annually <sup>8</sup>	Measurement

<sup>1.</sup> (Sb) Antimony, (As) arsenic, (Be) beryllium, (Cd) cadmium, (Cr) chromium, (Cu) copper, (Pb) lead, (Hg) mercury, (Mo) molybdenum, (Ni) nickel, (Se) selenium, (Ag) silver, (Tl) thallium, and (Zn) zinc reported as total metal present. Mercury shall be analyzed using EPA method 1631 (current revision of 40 CFR part 136).

<sup>2.</sup> 24-hour composite is required unless use of clean sampling protocols (EPA method 1669) would conflict, in which case a 'clean' grab sample may be used.

<sup>3.</sup> A reasonable attempt shall be made to identify all other substances (in addition to quantifying the listed substances above), and to quantify all pollutants shown to be present by gas chromatograph / mass spectrometer (GC/MS) analysis per 40 CFR 136, appendix A, Methods 624 and 625. Determinations shall be attempted from all peaks with responses greater than 1.5 ug/L. Non-substituted aliphatic compounds may be expressed as total hydrocarbon content. Identification shall be attempted by a laboratory capable of comparing sample mass spectra to a computerized library of mass spectra, with visual confirmation by an experienced analyst.

<sup>4.</sup> Poly Brominated Diphenyl Ether isomers of concern include penta-, octa-, and deca-

<sup>5.</sup> The Permittee shall monitor the sludge for beneficial use or disposal in accordance with the requirements of the Statewide General Biosolids Permit and WAC 173-308. Sludge and biosolids production shall be reported annually with the first report due by **February 15, 2006**, and each year thereafter.

<sup>6.</sup> Quarterly is defined as:  
January – March, report due by May 15<sup>th</sup>  
April – June, report due by August 15<sup>th</sup>  
July – September, report due by November 15<sup>th</sup>  
October – December, report due by February 15<sup>th</sup>

Parameter	Units	Sampling Point	Sampling Frequency	Sample Type
<sup>7</sup> Mercury is to be sampled semi-annually which is defined as: January – June, report due by August 15 <sup>th</sup> July – December, report due by February 15 <sup>th</sup>				
<sup>8</sup> Annually is defined as January – December and reports due by February 15 <sup>th</sup> of each year.				

C. Ground Water Monitoring For the City of Battle Ground Lagoon

- The ground water monitoring shall begin following installation of monitoring wells as required in S11. The sampling points for ground water will be the monitoring wells identified in the approved Ground Water Monitoring Plan as described in Section S11.

The Permittee shall monitor the ground water according to the following schedule:

Parameter	Units	Monitoring Wells	Sampling Frequency <sup>a</sup>	Sample Type
pH	Standard Units	See Section S8.	Quarterly	Field Test
Dissolved Oxygen	mg/L	See Section S8.	Quarterly	Field Test
Temperature	°C	See Section S8.	Quarterly	Field Test
Water Level	Feet	See Section S8.	Quarterly	Field Test
Iron (ferrous, Fe+2)	mg/L or +/-	See Section S8.	Quarterly	Field Test
Conductivity	micromhos/cm	See Section S8.	Quarterly	Field Test
Total Coliform	CFU/100mL	See Section S8.	Quarterly	Grab
Chloride	mg/L	See Section S8.	Quarterly	Grab
Total Dissolved Solids	mg/L	See Section S8.	Quarterly	Grab
NH3-N (Ammonia as N)	mg/L	See Section S8.	Quarterly	Grab
NO2-N (as N)	mg/L	See Section S8.	Quarterly	Grab
NO3 (as N)	mg/L	See Section S8.	Quarterly	Grab
TKN (as N)	mg/L	See Section S8.	Quarterly	Grab
Iron (total)	mg/L	See Section S8.	Quarterly	Grab
Manganese (total)	mg/L	See Section S8.	Quarterly	Grab
Calcium	mg/L	See Section S8.	Annually	Grab
Magnesium	mg/L	See Section S8.	Annually	Grab
Potassium	mg/L	See Section S8.	Annually	Grab
Sodium	mg/L	See Section S8.	Annually	Grab
Bicarbonate	mg/L	See Section S8.	Annually	Grab
Carbonate	mg/L	See Section S8.	Annually	Grab
Silica	mg/L	See Section S8.	Annually	Grab
Sulfate	mg/L	See Section S8.	Annually	Grab
<sup>a</sup> Quarterly sampling is defined as: 1 <sup>st</sup> Quarter – January 1 <sup>st</sup> – March 31 <sup>st</sup> (report on March DMR) 2 <sup>nd</sup> Quarter – April 1 <sup>st</sup> – June 30 <sup>th</sup> (reports on June DMR) 3 <sup>rd</sup> Quarter – July 1 <sup>st</sup> – September 30 <sup>th</sup> (report on September DMR) 4 <sup>th</sup> Quarter – October 1 <sup>st</sup> through December 31 <sup>st</sup> (report on December DMR) Annual sampling is defined at January 1 <sup>st</sup> through December 31 <sup>st</sup> (report on January DMR)				

2. Sampling and Analytical Procedures

Ground water sampling shall conform to the *Implementation Guidance for the Ground Water Quality Standards*, (Ecology 1996).

D. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department.

E. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

F. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 Washington Administrative Code (WAC). Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR)

form provided, or otherwise approved, by the Department. DMR forms shall be received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than 45 days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The report(s) shall be sent to the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Washington 98504-7775. All permits must be signed and certified as required under section G1.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

In addition to the monthly report, a monthly summary report form (EPA No. 3320-1) shall be received no later than the 15th day of the following month. This report is limited to the parameters specified in Condition S2.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within 30 days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the treatment plant and be made available upon request to the public or the Department inspectors.

**S4. FACILITY LOADING**

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Parameter	Phase III Design Quantity	Phase IV Design Quantity
Monthly average flow (max. month)	10.3 MGD	14.95 MGD
BOD <sub>5</sub> influent loading	15,700 lbs/day	20,900 lbs/day
TSS influent loading	16,700 lbs/day	28,200 lbs/day

B. Plans for Maintaining Adequate Capacity

The Permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

1. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; or
2. when the projected increase would reach design capacity within five years,

Whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

3. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.
4. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
5. Limitation on future sewer extensions or connections or additional waste loads.
6. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
7. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. If the Permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the Publicly Owned Treatment Works (POTW) is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTWs ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittees shall each conduct an infiltration and inflow evaluation. This evaluation shall be based on the flows received through their respective collection systems. Refer to the Department of Ecology Information Manual for Treatment Plant Operators (publication # 040-10-020) and U.S. EPA publication, I/I Analysis and Project Certification, available as Publication No. 97-03 at: Publications Office, Department of Ecology, P.O. Box 47600, Olympia, Washington 98504-7600.
2. A report shall be prepared by the City of Battle Ground and the Hazel Dell Sewer District which summarizes any measurable infiltration and inflow. If infiltration and inflow either meet the EPA threshold for “excessive” inflow or infiltration per the above manual, or have increased by more than 15 percent from that found in the first report based on equivalent rainfall, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.
3. The reports shall be submitted by **February 15, 2006**, and **annually** thereafter.

F. Waste load Assessment

The Permittee shall conduct an **annual** assessment of flow and waste load to the Salmon Creek WWTP and submit a report to the Department by **February 15, 2006**, and **annually** thereafter. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and the percentage increase in these parameters since the last annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

**S5. OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

An operator certified for at least a Class IV plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class III plant shall be in charge during all regularly scheduled shifts.

B. Operation and Maintenance (O&M) Program

The Permittees shall institute an adequate operation and maintenance program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system pumping stations and equalization lagoon aeration, mixing, and pumping equipment. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times. Prior to placing new equipment into operation, the Permittee shall submit a new or revised O&M manual that integrates the equipment and satisfies chapter 173-240 WAC.

The requirements to develop, maintain, and follow an Operations and Maintenance Manual **Applies to all Permittees** to the extent that they are responsible for mechanical components.

The approved Operations and Maintenance Manual shall be kept available at the Salmon Creek WWTP and all operators shall follow the instructions and procedures of this manual.

**Upon completion of Phase IV construction** at the Salmon Creek WWTP and receipt of the "Declaration of construction of water pollution control facilities," **an updated O&M manual for the WWTP will be due within six months.**

In addition, the **Hazel Dell Sewer District and the City of Battle Ground** shall develop, submit, and maintain O&M manuals for pump stations, lagoons, equalization basins and other critical components that are used through out the collection system.

These O&M Manuals shall be prepared by the Permittees in accordance with WAC 173-240-080 and be submitted to the Department for approval. In addition to requirements of WAC 173-240-080 (1) through (5) the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, 30 days prior to such activities, detailing the reasons for, length

of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class II (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions, except vital components used to support the secondary processes (i.e., mechanical aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

E. Prevent Connection of Inflow

The Permittees (Hazel Dell and Battle Ground) shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible at least 10 days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
  - c. The Department is properly notified of the bypass as required in Condition S3E of this permit.
3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with State Environmental Policy Act (SEPA); (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

## **S6. PRETREATMENT**

### **A. General Requirements**

The Permittees shall work with the Department to ensure that all commercial and industrial users of the POTW are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

### **B. Wastewater Discharge Permit Required**

The Permittees shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 Revised Code of Washington (RCW) and Chapter 173-216 WAC, as amended.

### **C. Identification and Reporting of Existing, New, and Proposed Industrial Users**

1. The Permittees shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittees shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same 30-day period.
3. The Permittees shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to the Department for a State Waste Discharge Permit within 30 days of such change.

### **D. Industrial User Survey (applies to **the City of Battle Ground**)**

The Permittee (**the City of Battle Ground**) shall complete and submit to the Department an Industrial User Survey listing all SIUs and PSIUs discharging to the POTW. The survey shall be conducted once per permit and received by the Department by **February 15, 2006**. At a minimum, the list of SIUs and PSIUs shall be developed by means of a telephone book search, a water utility billing records search, and a physical reconnaissance of the service area. Information on PSIUs shall at least include: the business name, telephone number, address, description of the industrial process(es), and the known wastewater volumes and characteristics. For assistance with the development

of the Industrial User Survey, the Permittee shall refer to the Department's guidance document entitled "Performing an Industrial User Survey."

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittees shall not authorize or knowingly allow the discharge of any pollutants into the collection systems or the Salmon Creek WWTP which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.
2. The Permittees shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
  - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
  - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
  - d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
  - e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
  - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
  - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
  - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
  - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).

3. All of the following are prohibited from discharge to the sewage collection systems and the **Salmon Creek WWTP** unless approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
  - a. Noncontact cooling water in significant volumes.
  - b. Stormwater, and other direct inflow sources.
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
4. The Permittees shall notify the Department if any industrial user violates the prohibitions listed in this section.

F. Pretreatment Report for the Hazel Dell Sewer District

The **Hazel Dell Sewer District** shall provide to the Department an annual report that briefly describes its program activities during the previous calendar year. This report shall be submitted no later than **February 15, 2006, and annually thereafter** to: Washington Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775.

The report shall include the following information:

1. An updated nondomestic inventory.
2. Results of wastewater sampling at the Salmon Creek treatment plant as specified in S2.B (Pretreatment Monitoring) for the previous year. The Permittee shall calculate removal rates for each pollutant and evaluate the adequacy of the existing local limitations established by the Hazel Dell Sewer District by Ordinance in prevention of treatment plant interference, pass through of pollutants that could affect receiving water quality, and sludge contamination.
3. Status of program implementation, including:
  - a. Any substantial modifications to the pretreatment program as originally approved by the Department, including staffing and funding levels.
  - b. Any interference, upset, or permit violations experienced at the POTW that are directly attributable to wastes from industrial users.
  - c. Listing of industrial users inspected and/or monitored, and a summary of the results.
  - d. Listing of industrial users scheduled for inspection and/or monitoring for the next year, and expected frequencies.

- e. Listing of industrial users notified of promulgated pretreatment standards and/or local standards as required in 40 CFR 403.8(f)(2)(iii). Indicate which industrial users are on compliance schedules and the final date of compliance for each.
  - f. Listing of industrial users issued industrial waste discharge permits.
  - g. Planned changes in the pretreatment program implementation plan. (See subsection A.6. below.)
4. Status of compliance activities, including:
- a. Listing of industrial users that failed to submit baseline monitoring reports or any other reports required under 40 CFR 403.
  - b. Listing of industrial users that were at any time during the reporting period not complying with federal, state, or local pretreatment standards or with applicable compliance schedules for achieving those standards, and the duration of such noncompliance.

**S7. RESIDUAL SOLIDS**

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall comply with WAC 173-308 and any associated order for handling biosolids.

**S8. ENGINEERING REPORT FOR BATTLE GROUND**

A. Updated General Sewer Plan

An updated General Sewer Plan and Engineering Report shall be submitted for either removal or upgrade of the old sewage lagoon that is presently being used as an equalization basin. If the lagoon is upgraded, the engineering report shall include plans for upgrading the facility to meet the criteria of Chapter T1 of Ecology's *Criteria for Sewage Works Designs*. If the General Sewer Plan recommends decommissioning the lagoon, then the Engineering report must include plans for removal of biosolids accumulated within the lagoon and restoration of the land at the lagoon site. Ground water monitoring is also required for continued use of the equalization lagoon as shown in S2 and S11.

No later than **November 15, 2007**, two copies of an approvable Engineering Report as part of an update to the Battle Ground General Sewer Plan, shall be prepared by the Permittee in accordance with WAC 173-240 and submitted to the Department for review and approval.

B. Plans and Specifications

No later than **May 15, 2008**, after the approval date of the engineering report, the Permittee shall submit to the Department for review and approval two copies of

approvable plans and specifications for either equalization lagoon decommissioning or improvements as described in the approved General Sewer Plan amendment and Engineering Report.

C. Construction Quality Assurance Plan

Prior to the start of construction, the Permittee shall submit to the Department a quality assurance plan as required by WAC 173-240.

**S9. ACUTE TOXICITY**

A. Effluent Limit for Acute Toxicity

**The effluent limit for acute toxicity is: “No acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).”**

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Section S1.B of this permit. The ACEC equals 5.6 percent effluent.

In the event of failure to pass the test described in subsection B. of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in Subsection C are being met to the satisfaction of the Department.

B. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for acute toxicity. The acute toxicity tests shall be performed using at a minimum 100% effluent, the ACEC, and a control. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section. Testing shall begin within 60 days of the permit effective date. A written report shall be submitted to the Department with the first report due by **December 15, 2005**. Testing shall be done **quarterly** through the life of the permit. The percent survival in 100 percent effluent shall be reported along with all compliance monitoring results.

Compliance monitoring shall be conducted quarterly using each of the species and protocols listed below on a rotating basis:

1. Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F).

Quarterly monitoring is defined as:

Quarterly means testing and reporting with the March, June, September, and December DMRs

The Permittee is in violation of the effluent limit for acute toxicity in subsection A. and shall immediately implement Subsection C if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

C. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If a toxicity test conducted for compliance monitoring under subsection B. determines a statistically significant difference in response between the ACEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the ACEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for acute toxicity as described in Subsection B. The discharger shall return to the original monitoring frequency in Subsection B after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department-within 60 days after the sample date. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

D. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

## S10. CHRONIC TOXICITY

### A. Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent. The two chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Testing results from the first sampling event shall be submitted by **December 15, 2005**.

Effluent testing for chronic toxicity shall be conducted **twice in one year**. The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions shall include the ACEC. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001. Test results are due by **December 15, 2005**, for the first sampling event and **June 15, 2006**, for the second sampling event. Sampling is again required twice in the last year of the permit if no chronic limit is required and a summary report of the chronic toxicity characterization is due by **April 15, 2009**.

Chronic toxicity tests shall be conducted with the following two species and the most recent version of the following protocols:

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	<i>Pimephales promelas</i>	EPA/600/4-91/002
Water flea	<i>Ceriodaphnia dubia</i>	EPA/600/4-91/002

### B. Effluent Limit for Chronic Toxicity

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted for effluent characterization shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001) and shall complete all applicable requirements in subsections C, D, and F.

If no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only subsections E and F apply.

**The effluent limit for chronic toxicity is: “No toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).”**

In the event of failure to pass the test described in subsection C, of this section, for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection D are being met to the satisfaction of the Department.

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Section S1.B pursuant to WAC 173-201A-100. The CCEC equals 1.5 percent effluent.

C. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance **with the effluent limit** shall be conducted **twice per year** for the remainder of the permit term using each of the species listed in subsection A on a rotating basis and performed using at a minimum the CCEC, the ACEC, and a control. The report from the monitoring is due by **April 15, and October 15**, each year with the first report due **October 15, 2006**. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for chronic toxicity means: "No statistically significant difference in response between the control and the test concentration representing the CCEC." The Permittee shall immediately implement subsection D if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection C determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection C. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall

replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department. The TI/RE plan submittal shall be within 60 days after the sample date for the third additional compliance monitoring test. If the Permittee decides to forgo the rest of the additional compliance monitoring tests required in this subsection because one of the first two additional compliance monitoring tests failed to meet the chronic toxicity limit, then the Permittee shall submit the TI/RE plan within 60 days after the sample date for the first additional monitoring test to violate the chronic toxicity limit. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Chronic Toxicity

The Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. The data report is **due July 2009 prior to the permit renewal application**. All species used in the initial chronic effluent characterization or substitutes approved by the Department shall be used and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Composite samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. All other samples must be below 8°C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4°C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

#### **S11. GROUND WATER QUALITY EVALUATION PROGRAM FOR BATTLE GROUND**

The Permittee (**Battle Ground**) shall evaluate the impacts of the equalization lagoon (surge basin) on ground water quality by completing a Ground Water Quality Evaluation Program in accordance with WAC 173-200-080. The Ground Water Quality Evaluation Program will consist of a Hydrogeologic Study and the design and implementation of a Ground Water Monitoring Plan.

- A. By **October 15, 2005**, the Permittee shall submit a scope of work to the Department for a Hydrogeologic Study at the equalization lagoon site. The scope of work will conform to *Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems*, Ecology 1993 and Chapter 4 of the *Implementation Guidance for the Ground Water Quality Standards*, Ecology 1996.
- B. Upon approval of the scope of work by the Department, the Permittee shall conduct the approved Hydrogeologic Study. Based on the hydrogeologic conditions the Permittee shall design a Ground Water Monitoring Program that conforms to Chapter 5 of the *Implementation Guidance for the Ground Water Quality Standards*, Ecology 1996. The program will identify proposed monitoring well locations and construction, sampling procedures, and laboratory test methods. The Permittee shall submit a report that

describes the results of the Hydrogeologic Study and the Ground Water Monitoring Plan By **October 15, 2006**.

- C. **Within 60 days** after review and approval of the report by the Department, the Permittee shall **begin construction of the ground water monitoring network**. Well construction shall be in accordance with Chapter 173-160 WAC. Complete drawings must be submitted by **October 15, 2007**.
- D. Installation of the ground water monitoring network shall be completed by **June 15, 2007**. **The Permittee shall notify the Department and begin monitoring according to Condition S2** (which requires monitoring to begin after receipt of a notice of completion of construction of the monitoring wells). **The Permittee shall submit a report by October 15, 2007**, that describes the completed monitoring network and construction record drawings for all monitoring wells.

## **S12. OUTFALL EVALUATION**

The Permittee shall inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. By **October 15, 2007**, an outfall inspection report shall be submitted to the Department.

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

### **G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

### **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
  - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
  - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
  - 1. A material change in the condition of the waters of the state.
  - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
  6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
  2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

#### **G4. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

#### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by the Department. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal by **July 15, 2009**.

**G8. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

**A. Transfers by Modification**

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

**B. Automatic Transfers**

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

**G16. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement preceding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G17. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G18. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G19. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G20. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

**G21. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions.

Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

**G22. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

**G23. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.